

REMARKS

Claims 1, 2, 6-8, 16, 17, 51-56, 58-60, 79-85 and 97-109 are pending. By this Amendment, claims 1, 2, 6-8, 16, 17, 51, 53, 54, 56, 59, 60, 79, 81-85 and 96 are amended, and claims 97-109 are added. Reconsideration is respectfully requested.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Lavarias in the June 1 telephone interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks. Specifically, the claims are amended based on the recommendation of the Examiner.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments correspond to the Examiner's recommendation); (c) satisfy a requirement of form asserted in the previous Office Action; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Office Action provisionally rejects claims 1, 6, 7, 51, 53-56, 59-60 and 96-98 under the judicially created doctrine of obviousness-type double patenting over claims 1-16 of copending Application No 10/357,708 (U.S. Pub. No. 2003/0147328) and U.S. Patent No. 5,917,798). Because copending Application No 10/357,708 has not issued or been allowed as of the filing of this paper, filing a Terminal Disclaimer to obviate the provisional rejection is premature. Thus, withdrawal of the provisional rejection is respectfully requested.

The Office Action rejects claims 1, 6, 7, 51, 53-56, 59-60 and 96-98 under the judicially created doctrine of obviousness-type double patenting over claims 1-30 of copending Application No 10/332,057 (U.S. Pub. No. 2004/0100892) and U.S. Patent No.

5,917,798). Because copending Application No 10/332,057 has not issued or been allowed as of the filing of this paper, filing a Terminal Disclaimer to obviate the provisional rejection is premature. Thus, withdrawal of the provisional rejection is respectfully requested.

The Office Action rejects claims 1, 6, 7, 51, 53-56, 59-60 and 96-98 under 35 U.S.C. §103(a) over Curtis (U.S. Patent No. 5,719,691), Rembault (U.S. Patent No. 4,025,731) and Gabor (U.S. Patent No. 3,899,240); claims 16, 79, 80, 82 and 99 under 35 U.S.C. §103(a) over Curtis, Rembault, Gabor, Burchardt (U.S. Patent No. 3,573,362) and Liu (U.S. Patent No. 6,272,095); claims 2, 8, 17, 52 and 58 under 35 U.S.C. §103(a) over Curtis, Rembault, Gabor, Burchardt, Liu, van Rosmalen (U.S. Patent No. 4,638,471), Reid (U.S. Patent No. 4,213,193) and Hays (U.S. Patent No. 5,777,760); claims 81 and 83-85 under 35 U.S.C. §103(a) over Curtis, Rembault, Gabor, Burchardt, Liu and Reid. The rejections are respectfully traversed.

In particular, the applied references do not disclose or suggest an optical information recording apparatus, including at least a recording optical system for illuminating the information recording on the same side thereof with the information light and the reference light for recording such that the information is recorded in the form of an interference pattern as a result of using the reflecting layer as a reference plane to generate interference between the information light and the reference light for recording, as recited in independent claim 1, and similarly recited in independent claims 6, 51, 54, 59 and 79

Moreover, the applied references do not disclose or suggest an optical information recording apparatus, including at least a detecting means for detecting reproduction light carrying two dimensional digital pattern information collected by a reproduction optical system wherein the reproduction optical system projects the reference light for reproduction onto the reflecting layer, as recited in independent claim 7, and similarly recited in independent claim 16.

Finally, the applied references do not disclose or suggest an optical information recording apparatus including at least a servo light source that generates servo light that emits onto the reflecting layer, and a detection means for detecting reflected servo light that is carrying information of the medium, reflected by the reflecting layer, such that an optical axis of the servo light and an optical axis of the reflected servo light are located on a same line, as recited in independent claim 97, and similarly recited in independent claims 98 and 100-103.

Specifically, the Examiner agreed during the June 1, 2005, telephone interview that the applied references do not seem to disclose or suggest these features. Thus, withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Notice Of Appeal To The Board Of Patent Appeals
And Interferences And Petition For Extension Of Time

Date: June 15, 2005

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